



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

MAY 25 2016

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL 7009 1680 0000 7679 6095
RETURN RECEIPT REQUESTED

Mr. Phil McCarney
Operations Manager
Rogers Corporation
171 West Saint Charles Road
Carol Stream, Illinois 60188

Re: Notice of Violation
Compliance Evaluation Inspection
ILR 000 116 806

Dear Mr. McCarney:

On August 19, 2015 a representative of the U.S. Environmental Protection Agency inspected the Rogers Corporation facility (Rogers) located in Carol Stream, Illinois. As a large quantity generator of hazardous waste, Rogers is subject to the Resource Conservation and Recovery Act, 42 U.S.C. § 6901 *et seq.* (RCRA). The purpose of the inspection was to evaluate Rogers' compliance with certain provisions of RCRA and its implementing regulations related to the generation, treatment and storage of hazardous waste. A copy of the inspection report is enclosed for your reference.

Based on information provided by Rogers, EPA's review of records pertaining to Rogers, and the inspector's observations, EPA has determined that Rogers has unlawfully stored hazardous waste without a permit or interim status as a result of Rogers's failure to comply with certain conditions for a permit exemption under Ill. Admin. Code tit. 35 § 722.134(a)-(c) [40 C.F.R. § 262.34(a)-(c)]. EPA has identified the permit exemption condition with which Rogers was out of compliance at the time of the inspection in paragraph 1, below.

STORAGE OF HAZARDOUS WASTE WITHOUT A PERMIT OR INTERIM STATUS AND VIOLATIONS OF TSD REQUIREMENTS

Many of the conditions for a RCRA permit exemption are also independent requirements that apply to permitted and interim status hazardous waste management facilities that treat, store, or dispose of hazardous waste (TSD requirements). When a hazardous waste generator loses its permit exemption due to a failure to comply with an exemption condition incorporated from Ill.

Admin. Code tit. 35 Part 725, the generator: (a) becomes an operator of a hazardous waste storage facility; and (b) simultaneously violates the corresponding TSD requirement. The exemption condition identified in paragraph 1 is also an independent TSD requirement incorporated from Ill. Admin. Code tit. 35 Part 725. Accordingly, each failure of Rogers to comply with this condition is also a violation of the corresponding requirement in Ill. Admin. Code tit. 35 Part 725 [40 C.F.R. Part 265].

1. Container Requirements

Under 35 IAC §§ 722.134(a)(1)(i) and 725.274 [see also 40 C.F.R. §§ 262.34(a)(1)(i) and 265.174], a large quantity generator must inspect, at least weekly, areas where hazardous waste containers are stored. The owner or operator must look for leaking containers and deterioration of containers.

At the time of the inspection, Rogers had not conducted inspections of its containers holding hazardous waste in the less than 90-day storage area from February 25, 2015 through August 21, 2015.

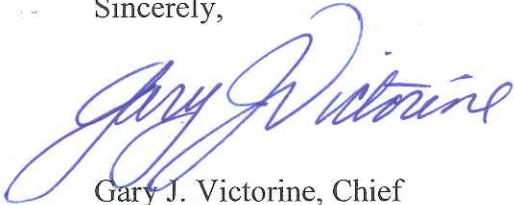
By failing to comply with the conditions for a permit exemption, above, Rogers became an operator of a hazardous waste storage facility, and was required to obtain an Illinois hazardous waste storage permit. Rogers failed to apply for such a permit. Rogers's failure to apply for and obtain a hazardous waste storage permit violated the requirements of Ill. Admin. Code tit. 35 §§ 703.121(a) and (b); 703.180(c); and 705.121(a) [40 C.F.R. §§ 270.1(c), and 270.10(a) and (d)]. Any failure to comply with a permit exemption condition incorporated from Ill. Admin. Code tit. 35 Part 725 [40 C.F.R. Part 265] is also an independent violation of the corresponding TSD requirement.

At this time, EPA is not requiring Rogers to apply for an Illinois hazardous waste storage permit so long as it immediately establishes compliance with the condition for a permit exemption outlined in paragraph 1, above.

During the inspection, as observed by EPA, and after the inspection, as documented in your August 27, 2015 email to EPA, you took certain actions to establish compliance with the permit exemption condition in paragraph 1, above. Based on the information received from Rogers on August 27, 2015, EPA is not planning additional enforcement actions based on this inspection at this time. This letter does not limit the applicability of the requirements evaluated, or of other federal or state statutes or regulations. EPA appreciates Rogers' cooperation.

If you have any questions regarding this letter, please contact Ms. Graciela Scambiaterra, of my staff, at 312-353-5103 or at scambiaterra.graciela@epa.gov.

Sincerely,



Gary J. Victorine, Chief
RCRA Branch

Enclosure

cc: Todd Marvel, Illinois Environmental Protection Agency (todd.marvel@illinois.gov)

